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CHETHAM MISCELLANIES.

VOLUME THE SECOND:

CONTAINING,

THE RIGHTS AND JURISDICTION OF THE COUNTY PALATINE
OF CHESTER, THE EARLS PALATINE, THE CHAMBERLAIN,
AND OTHER OFFICERS.

THE SCOTTISH FIELD. (A POEM ON THE BATTLE OF FLODDEN.)

EXAMYNATYONS TOWCHEYNGE COKEYE MORE, TEMP. HEN.
VIII., IN A DISPUTE BETWEEN THE LORDS OF THE MANORS
OF MIDDLETON AND RADCLYFFE.

A HISTORY OF THE ANCIENT CHAPEL OF DENTON, IN MAN-
CHESTER PARISH.

A LETTER FROM JOHN BRADSHAWE OF GRAY'S INN TO SIR
PETER LEGH OF LYME.

PRINTED FOR THE CHETHAM SOCIETY.
M.DCCC.LVI.

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ADVERTISEMENT.

IN laying before the Members a Second volume of MISCELLANIES, the Council of the CHETHAM SOCIETY have the satisfaction of announcing that materials are already in preparation for a Third; and they take this opportunity of inviting contributions from the Members and other persons interested in antiquarian pursuits. They may repeat what they have already expressed in the Advertisement to the First volume, that nothing which tends to throw light on the habits, customs, and institutions of our race can be uninteresting to those who make mankind their study. Thus old wills, letters, deeds, authentic examples of early heraldry, materials for elucidating topography, or family, county, and general history, examples of the progress of language and of the arts, may each and all find their appropriate place in these volumes.

Any persons desirous to further the objects which the Society propose in the publication of Miscellanies, are requested by the Council to entrust their contributions to the care of the Honorary Secretary, at the address of the Manchester and Salford Bank.

WILLIAM LANGTON,

HONORARY SECRETARY.

THE
Rights and Jurisdiction

OF THE

COUNTY PALATINE OF CHESTER, THE EARLS PALATINE,
THE CHAMBERLAIN, AND OTHER OFFICERS ;

AND

DISPUTES CONCERNING THE JURISDICTION OF THE COURT OF
EXCHEQUER WITH THE CITY OF CHESTER, &c.

NOW FIRST PRINTED FROM THE ORIGINAL MANUSCRIPT IN THE POSSESSION
OF THE EDITOR ;

WITH INTRODUCTORY NOTICE BY
JOSEPH BROOKS YATES,
F.A.S., G.S., AND P.S.

PRINTED FOR THE CHETHAM SOCIETY.
M.DCCC.LIV.

INTRODUCTORY NOTICE.

OF the three great Palatinates of England that of Cheshire is the most ancient, having existed as such from the time of William the Conqueror. Some writers, indeed, ascribe to it a much higher antiquity, but it is evident that this claim cannot be supported, seeing that up to the Norman conquest the county of Chester was merely a component part of the Saxon kingdom of Mercia. Much uncertainty exists as to the titles, the powers, and the personal history of the rulers of this kingdom; and of the Palatinate there remain no public records which bear date prior to the time of King Henry III., when it was annexed to the crown. The ancient earls of Chester exercised jurisdiction over the city and the whole county, and over Flint after the reduction of *that* county by the Norman earls. These petty sovereigns were not bound by the English acts of parliament, but held their own parliaments, together with their criminal and civil courts. They appointed judges and justices, pardoned criminals, and all writs and indictments ran in their names; such high and otherwise unaccountable jurisdiction being judged necessary by reason of the proximity of the Welch marches, and the necessity of a vigorous resistance to the frequent inroads of the Ancient Britons. The inhabitants were tenants in chief to the earls, as the earls

were to the king, and were bound to attend on the Sword of the former. Among the Saxon earls of Mercia (in which Cheshire was included) there was no hereditary descent, but William the Conqueror made a grant (A. D. 1070) to his kinsman Hugh Lupus, son of the Viscount D'Avranches, of the whole county of Cheshire, *to hold to him and his heirs as freely by the Sword, as the king himself held England by the Crown.* In the British Museum there exists a Sword generally ascribed to this earl, of which an engraving is given by Lysons in the *Magna Britannia*.⁽¹⁾ The blade is 3 feet 4½ inches in length, and is two-edged; the hilt of brass gilt, ornamented on each side with four panels of mother of pearl, and containing in the pommel several concentric circles, the two innermost of which are ornamented with scrolls and foliage exquisitely designed and finished after an antique pattern. Immediately below the hilt is the following inscription, HUGO COMES CESTRIÆ.⁽²⁾ An investiture with a Sword to which such high powers were attached, was a matter of paramount importance in the Palatinate, and constituted an æra from which events were frequently dated in a roll, called *The Cheshire Domesday*, not a portion of the Conqueror's great *Domesday Book* of England, but, according to Leycester, a roll "antiently remaining among the records at Chester, but now (1673) lost and taken away."⁽³⁾ So

(1) Vol. ii. part ii. p. 461.

(2) Mr. Ormerod, the very able historian of Cheshire, doubts whether it may not have been the sword of Hugh Kevelioc the fifth earl, and great-great-nephew of Lupus. See *Vetusta Monumenta*, (vol. v.) where may be found a description of two other palatinate swords, belonging to Edward V. when Prince of Wales.

(3) *History and Antiquities of Cheshire*, (p. 220.) Much has been written and said as to the present existence of this very important document, and some individuals have affirmed that they were the fortunate possessors of the whole or large portions of the same. This is evidently not so. But it is equally certain that there exist in

inviolable was the jurisdiction of the Palatinate courts that King Alfred is said to have put to death one of his Justices for passing sentence upon a malefactor who had committed an offence in a place where the king's writ did not pass. The ancient earls of Chester sometimes exercised the remarkable power of partially transferring their authority to others, who in their turn transferred the same to a second set of delegates. Of this a curious instance is recorded by Leycester (p. 141 et seq.) as having occurred at the beginning of the thirteenth century.⁽¹⁾

the library of the Marquis of Westminster at Eaton, and in the College of Arms, large and accurate transcripts of detached parts. See Ormerod's *History of Cheshire*, vol. i. p. xiii. et seq.

(1) "Earl Randle was distressed by the Welsh and forced to retreat to the castle of Rothelent in Flintshire, where they besieged him. He presently sent to his constable of Cheshire, Roger Lacy, surnamed *Hell* for his fierce spirit, that he would come with all speed, and bring what forces he could towards his relief. Roger, having gathered a tumultuous rout of fiddlers, players, cobblers, debauched persons, both men and women, out of the city of Chester (for 'twas then the fair-time in that city), marcheth immediately towards the earl. The Welsh, perceiving a great multitude coming, raised the siege and fled. The earl, coming back with his constable to Chester, gave him power over all the fiddlers and shoemakers in Chester in reward and memory of this service. The constable retained to himself and his heirs the authority and donation of the shoemakers, but conferred the authority of the fiddlers and players on his steward, which was then Dutton of Dutton, whose heirs enjoy the same power and authority over the minstrelsy of Cheshire even to this day; who, in memory hereof, keep a yearly court upon the feast of St. John Baptist at Chester, where all the minstrels of the county and city are to attend and play before the lord of Dutton," &c.

Whether any formal document was executed by Roger Lacy is not known; but John, the son of Roger, granted the following deed to Dutton, the original of which was remaining (says Leycester) "among the evidences of that family." From this deed it appears that the subjects of Hugh Dutton's government were a different and a much more remarkable class than fiddlers and players:—

"Sciãnt presentes et futuri quod ego Johannes Constabularius Cestrie, dedi et concessi, et hãc presenti chartã meã confirmavi Hugoni de Dutton et hæredibus suis

When King Henry III. took the earldom into his own hands, (as mentioned above,) he bestowed upon his eldest son the title of *Earl of Chester*. But a still higher dignity awaited the Palatinate ; for under the pressure of circumstances brought on by his own weakness and irresolution, Richard II. raised in Cheshire a stout body of bowmen whom he called his guard, and in requital for their services he introduced an act of Parliament,⁽¹⁾ by which the county was erected into a principality, the king himself taking the title of *Prince of Chester*.⁽²⁾ But this title was dropped a few years after, on Henry IV. repealing the acts of that Parliament,⁽³⁾ and the county resumed its former rank and jurisdiction under a chamberlain, a special judge, two barons of the exchequer, three sergeants-at-law, a sheriff, attorney, escheator. &c. ⁽⁴⁾

magistratum omnium Leccatorum et Mercetricum totius Cestershirie sicut liberius illum magistratum teneo de comite. Salvo jure meo & heredibus meis. Hiis testibus Hugone de Boidele," &c. &c.

(1) 21st Richard II. cap. 9.

(2) One of the articles of accusation brought by Henry, Duke of Lancaster, against this unfortunate prince was, that he drew to himself a great number of malefactors out of the county of Chester, who, marching up and down the kingdom with the king, cruelly beat and killed the lieges, plundered their goods, &c., &c. These men appear to have been admitted to great familiarity with Richard ; and of this a specimen is given in the manuscript *Chronicle of Kenilworth*. They are represented as addressing the king in the following terms : — “Dycon, slep sicury quile we wake, and drede nought quile we lyve sefton ; ffor gif thou haddest weddet Perkyn, daughter of Lye, thou mun well halde alone day with any man in Chester schire infaith.”

This provincial discourse being turned into pure modern English may stand thus : — “Richard, sleep soundly while we watch, and fear nothing while we lie beside thee. If thou hadst married the daughter of Perkyn of Lye” (Sir Piers Legh of Lyme, near Macclesfield, beheaded by the Duke of Lancaster) “thou mightest have kept hallowntide with any man in Cheshire.” It is possible that King Richard might have paid some attentions to this young lady. See *Archæologia*, vol. xx, p. 68.

(3) 1st Henry IV. cap. 3.

(4) Camden's *Britannia*.

Henry VIII. caused an act of Parliament to be passed, by which the Palatinate was rendered subordinate to the crown of England; but the separate jurisdiction was retained, and the title of Earl continues to this day to be assumed by the eldest son of each reigning monarch, associated with that of *Prince of Wales*.

By statute of William IV. cap. 70, (A. D. 1830) the separate jurisdiction was finally abolished. The last appointment of *chamberlain* took place in the year 1827, when the patent was granted to the Earl of Stamford and Warrington. His death occurred A.D. 1845. The *last justices* of the Chester circuit were Sergeants Warren and Jervis, who have also died since the abolition of the palatinate jurisdiction in 1830.

In looking over the long list of Chamberlains we meet with few names of much note until we arrive at the reign of Queen Elizabeth. On her accession the appointment was given to Edward Earl of Derby, and he was succeeded by the Queen's favourite, Dudley Earl of Leicester. By the Chamberlains who preceded the Earl of Derby the Palatinate rights had been so loosely maintained, that the juridical functions became gradually usurped by the mayor and aldermen of the Chester corporation, thus giving rise to a long and obstinate contention for the supremacy, as set forth in the manuscript now first published.

This manuscript is valuable, not only as explaining the nature of these rights, but as more fully exhibiting the character of a most distinguished member of the long and illustrious line of the Stanley family.

EDWARD THE THIRD EARL OF DERBY was well qualified, from his lofty and munificent bearing, to sustain the reputation of his great

ancestor Stanley, who in Bosworth field placed the English crown upon the head of victorious Richmond, and was thereupon created the first earl of that name. The subject of our present memoir was born A. D. 1508. Scarcely was the young nobleman of age, when he was appointed to attend Cardinal Wolsey on an embassy to the French king, Francis I., which had for its object the adjustment of several important affairs. He was also employed by Henry VIII. in the matter of Queen Catherine's divorce, and in his twenty-ninth year was dispatched by that monarch to the North, where, with such troops as he could on the occasion muster in Lancashire and Cheshire, he contributed largely to put down the northern insurrection, commonly called "The pilgrimage of grace." On the accession of King Edward VI. the earl was invested with the Garter, and afterwards assisted in establishing peace with the Scottish and French kings and the emperor of Germany.⁽¹⁾ In the first year of Queen Mary's reign he was nominated Lord High Steward of England, and, on receiving intimation of this appointment, he set out from his seat at Lathom, in the county of Lancaster, to wait upon Her Majesty, attended by more than eighty esquires all clad in velvet, and two hundred and eighteen livery servants. On the death of Queen Mary he was held in the like high honour by Elizabeth, who granted to him by patent the office of Chamberlain of Chester for six years.

(1) He surrendered to King Edward his family mansion in London called *Derby House*, adjacent to Doctors' Commons, receiving in exchange certain lands adjoining to his park at Knowsley. *Derby House* was afterwards presented by Queen Mary to Sir Gilbert Dethick, Garter King of Arms, and his brother heralds and pursuivants, to live in, and to discharge therein the duties of their office. On this site the College of Heralds is continued to this day, although the original *Derby House* (above mentioned) was burnt down in the great fire of 1666.

That he sustained this office with complete dignity and efficiency is amply attested by the present documents.⁽¹⁾ His death took place at Lathom in the year 1572, and his body was interred with very great pomp at Ormskirk. In recording the demise of this earl, Camden adds, "With him the glory of hospitality hath, in a manner, fallen asleep."⁽²⁾

During the reign of Elizabeth the nobility of England still maintained, in a great degree, the ancient munificence of their Order, in hospitality and in the number of their retainers. Indeed, with regard to the latter, the Queen at length judged it necessary to impose some restraints, although the frequent visits with which she honoured her subjects, rendered her interference with the former wholly impracticable. According to Strype, the number of the Earl of Derby's household servants amounted to two hundred and forty.

The general character of this nobleman cannot perhaps be better set forth than in the words of Stowe, that laborious and accurate annalist, who lived contemporaneously:

"The 24th October 1572, Edward Earle of Derby, Lord Stanley
"and Strange of Knocking, Lord and Governour of the Isle of Man,
"Knight of the noble Order of the Garter, and one of the Queene's
"Majestie's Privy Councill, deceased at his house called Latham
"in Lancashire. His life and death deserving commendation and

(1) The Earl of Derby then occupied his castle in Water Street, Liverpool, which was demolished a few years ago. At this time the mayor and corporation of the town were sorely perplexed respecting the return of a burgess to parliament, in consequence of the rival claims of the chancellor of the duchy and those of their two powerful neighbours, the Earl of Derby and Sir Richard Molineux. A curious account of their proceedings may be found in Baines's *History of Liverpool*, p. 226.

(2) *Life of Queen Elizabeth*.

“craving memory to be imitated was such as followeth : His fidelity
 “unto two Kings and two Queenes in dangerous times and great
 “Rebellions, in which time and alwayes (as cause served) he was
 “Lieutenant of Lancashire and Cheshire, and lately offered ten
 “thousand men to the Queen’s majestie of his own charge for the
 “suppression of the last Rebellion. His godly disposition to his
 “Tenants, never forcing any service at their hands but due payment
 “of their Rent ; his liberality to Strangers and such as shewed
 “themselves gratefull to him ; his famous housekeeping, 220 in
 “checkroll never discontinuing the space of 42 years ; his feeding
 “especially of aged persons twice a day 60 and odde, besides all
 “comers thrice a week appointed for his dealing dayes, and every
 “Good-Fryday these 35 yeares one with another 2700 with meate,
 “drinke, money and money-worth. There was never Gentleman
 “or other that waited in his service, but had allowance from him to
 “have as well wages as otherwise for horse and man. His yearely
 “portion for the expences for his house 4000 pounds ; his cunning
 “in setting bones disjoynted and broke ; his delivery of his George
 “and seal to the Lord Strange, with exhortation that he might
 “keepe it so unspotted in fidelitie to his Prince as he had, and his
 “joye that he died in the Queene’s favour ; his joyful parting this
 “world ; his taking leave of all his servants by shaking of hands,
 “and his remembrance to the last day. He was buried at Orms-
 “kirke on the 4th of December in most honourable manner.”—

Stowe’s *Annals*, London, 1631 : fol. 673.

The following is a short analysis of the contents of the Manuscript now published :

1st. A brief history of the Chancery or Exchequer Court of the

Palatinate of Chester; Disputes between the Mayor and Sheriffs of the city⁽¹⁾ and the Chamberlain as to the jurisdiction.

2nd. Edward Earl of Derby, having been appointed Chamberlain by Queen Elizabeth in the first year of her reign, summons the Mayor and Sheriffs to meet him in his court at Chester; his oration and their contumacy; Mr. Glaseor the Vice-chamberlain is instructed to collect evidence concerning the whole case, and the Lord High Treasurer (Marques of Winchester) causes process to be issued against the Municipal authorities.

3rd. The hearing of the case in the Exchequer of Westminster, and decree of that court in Hilary Term, fifth Elizabeth, against the Mayor and Sheriffs, by which the dispute was terminated; Suggestions for the maintenance of the privileges of the Palatinate.

4th. Suggestions made by an anonymous party shortly after the accession of King James I. for sustaining the privileges of the Palatinate.

5th. A list of the offices, names and fees of the Officers of the Exchequer Court, as they stood in the first year of James I. (1603.)

6th. List of Chamberlains and Justices of Chester from 1323 to 1603, which differs very considerably from that furnished by Sir Peter Leycester, and that of Dr. Ormerod,⁽²⁾ who has made an exact transcript of Leycester's list.

7th. Opinion, dated 10th February 1568, of the Chief Justice of the Common Pleas and three other Judges, confirming the separate and independent jurisdiction of the Palatinate Court of

(1) The city of Chester was incorporated in the time of Henry III. under a Mayor and Sheriffs.

(2) See Leycester's *History*, pp. 169 — 177, and Ormerod's *History*, cap. iv. and v.

Chester, and its entire disconnection from the principality of Wales or "the Marches of the same." Prefixed to this opinion is a royal warrant for its enrolment in the Court of Chancery.

Sir Edward Coke has given a copy of this opinion in his fourth Institute, cap. 37.

The Manuscript was purchased by the present Editor at the sale of the effects of the late Mr. Matthew Gregson, author of the work entitled *Fragments concerning Lancashire*. It is written in a clear hand with close lines, upon strong parchment 4to size, and occupies altogether 13 pages. It is in very good condition, and was evidently written at the very commencement of James the First's reign.

The Editor considers this a fair opportunity to direct the renewed attention of the Government and of British Archæologists to the very rich and extensive mine of historical information which might be derived from the Manuscript Records deposited in the castle at Chester. They arise out of the judicial proceedings, both civil and criminal, of the Palatinate Courts from the time of King Henry III. down to their final abolition. It is certain that they have been for ages grossly neglected, and that many of them have been even taken away. Gough says, "If I am not misinformed of the state of the Records there, it is rather to be wondered that there are so many Manuscripts remaining."⁽¹⁾ In A. D. 1839-40, and again in 1852, they were examined, cleansed, and in some measure arranged by Mr. W. H. Black, Assistant

(1) Gough's *British Topography*, 1780, vol. i. p. 248.

Keeper of Records, whose reports thereupon to the Master of the Rolls are printed by order of the House of Commons.⁽¹⁾

Although Mr. Black laboured in these missions for several months with his accustomed zeal and industry, he was able to do comparatively little towards the suitable classification and restoration of such an immense mass of confused documents. For some further curious information as to their value and their present condition, reference may be had to the printed *Journal of the British Archaeological Association*, which contains an account of a Lecture delivered by Mr. Black at Chester on the 31st July, 1849.

It is proper to add that the remarks above made upon the large manuscript collections in Chester Castle apply, in a proportionate degree, to the minor deposits of Records remaining in the Courts of Great Sessions of the principality of Wales, which ought to be immediately looked after.

(1) Survey of the Records of Wales and Chester, made by Mr. Black in 1839-40, and Report dated 31st March, 1840, printed in the Appendix to Deputy Keeper's first Report to the Queen, &c. Further Survey by Mr. Black in 1852, and Report dated 31st December, 1852; printed 9th March, 1853.

**The Rights and Jurisdiction of the County
Palatine of Chester, the Earls Palatine, the Chamber-
lains, and other Officers; and Disputes concerning the
Jurisdiction of the Exchequer Court with the City of
Chester, &c.**

The Countye Palatyne of Chester is and tyme out of mynde hath bene an auncient Countye Palatyne, and hath had and used throughout the same Regall Jurisdiction, within which the City of Chester is, and remaineth a parcel thereof; the antiquitye of which Countie Palatine is set forth in auncient histories, whereby yt appeareth that Earle Leofricus was Earle Palatyne of Chester in the tyme of Edwarde the Confessor, before the Normans conquered the Kingdome; at the time of which conquest the same Earldome was given by the Conqueror to his nephewe Hugh Lupe, to hold of him *adeo liberè per Gladium sicut ipse tenet Angliam per Coronam*. This Hugh was a right noble Earle, of whose worthy and memorable deedes there is much writen, which I do omytte as matters not pertenant to the dryfte of my discourse. To this Hugh succeeded Richard Earle of Chester, and unto him Randulph, then Randulph the Second, and after him Hugh the Second, and next to him folowed Randulph the 3^d. This Earle, having bene in the Holy Lande, did upon his return home builde Chartleze and Bieston Castell; and having noe yssue of his owne, the Earldome was to descend unto his sisters, of whome one was maryed unto a nobleman of Scotland, called in that tyme Joannes Scotus, or Scoticus. To this John Earle Randulph gave his whole Earldome, who enjoyed the same

with some trouble by the opposition of a title for the other co-heirs. He departed this lyfe in the xxth yeare of the reigne of King Henry the 3^d without yssue male, leaving daughters, betwixte whome and their auntes was great contention for the partition of the Earldome and the possessions thereof. But the King's Majesty, with a royall resolution to preserve the same, *quia noluit tantam dignitatem dividi inter colos*,⁽¹⁾ tooke the Earldome into his owne hands, and gave the ladies other possessions in recompence thereof; and at a parliament holden shortlie after did unite and annexe the Earldome, with all manner of jurisdiction and preheminance belonging to an Earle Palatyne, to the State and Principalitye, and to apperteine to the Prince and eldest yssue of the King, his heirs, and successors, as Earles of Chester, whoe have and tyme out mynde have had an auncient and ordinary Chancery Courte called the Exchequer of Chester; and an Officer called the Chamberlaine who by himself, and in his absence by his deputie, hath used the authoritie of a Chancelor to heare and decree all causes of Suite arysinge within the same County Palatyne wherein there was required equity and conscience.

But such is the custome of error, by the abuse of custome, that a long endured injurye becomes a comon reputed right, and liberties neglected are in tyme denied; ffor yt hapened in the severall tymes of the Princes, being Earles of Chester, who for the moste parte kept their residence in the Marches of Wales with a Courte of Councillors to governe that Province, that some of the subjects, inhabitants in the City of Chester and in other partes of the Countye Palatyne, being possessed with spleneticke humours inclyninge to contention and troublesome vexacion of their neighbours, being not contented to enjoye the benyfite of their owne ease, soe as they might offer cause of dysease⁽²⁾ to others, framed and pursued their complaints to the Councill of Wales to their great charge, when they might with quiet and good cheape⁽³⁾ have

(1) Amongst Distaffs or Spinsters.

(2) Annoyance.

(3) With good cheape, *i.e.* cheaply — à bon marché (French). Hence Cheapside — Eastcheap, &c.

received justice at their owne doores; whose complaints the Councell there entertained and tooke upon them to determine, by meanes whereof yt became a confused governmente. The auctoritie of the Exchequer was much diminysht, the Courte defaced, the Chamberlaine disgraced, having litle to do in his iudiciall seate, and his office chieflye consisting in the keeping of a Seale, untill yt pleased the moste gracious Sovereigne Lady Elizabeth our late Queene in the first yeare of her moste happie and blessed raigne to give the Chamberlayne's office of the Countye Palatyne by her highnes lfers patente unto the right honorable Edwarde Earle of Darbye, whoe as he was by birth noble, soe was hee by nature wise and by education learned; a man endued with rare bountye, exceeding affabilitye, and true pietye, with all other heroycall virtues, havinge obteyned amongst the great men of the Kingdome the name of the great Earle, and amongst the meanest sorte still called the good Earle; much esteemed of in Courte and noe lesse honored in the countreye; loved with feare, and feared because he was loved, soe as yt was harde to judge whether his greatnes gave grace to his goodnes, or his goodnes added a glorye to his greatnes; the memorye of whose honorable cariage is in the mouthes and by the tongues and pennes of men become ymmortall. This thrise noble Earle, having received his patente in Auguste, came to the Citye of Chester in September followinge to take his place, being attended with all the Knights, Esqrs, and gentlemen of any qualitee in the Counties of Chester, Lancaster, and North Wales in moste magnificente and princelye fashion, to the great joye and applause of alle the beholders, and making William Glaseor Esqre his Vice Chamberlain, unto whome he commytted a fulle deputation of his authoritye in that office. The Earle departed from thence back again into Lancashire, and not long afterwards there hapened to aryse some Suite betwixt two Citizens of Chester in the Exchequer before the Chamberlaine, whereof the defendant complained to the then Mayor⁽¹⁾ of the same Citye, alleaginge that the Citie was in the xxjst yeare of King

(1) John Cowper was Mayor.

Henry the VIIth made a Countye of ytself, and seperated from the Countye Palatync: and that by Charter of the same King granted unto the Mayor and Citizens, all causes arising within the said Citye, were Determinable before the Mayor: And that noe Citizen ought to bee called fourth of the same Citye to any other courte. Which the Mayor unadvisedlye heard, and rashlie resolved to calle the other partie before him and thereupon comytted him to the Northgate, being the Goale of the Citye, for his contempte. Whereof when the Vice Chamberlain was informed, hee presently awarded a wrytte of *Corpus cum causa*, directed to the Sheriefes of the Citye, commanding them to bring the partie (soe comytted to the Northgate) before him into the Exchequer, together with the cause of his imprisonment; which the Sherifes contemptuouslye refused to doe, ffor which offence a fine was imposed upon them, which nevertheles they little regarded, but continued dailie more and more to disobeye the Chamberlain's authoritie. Mr. Glaseor seing this traveled into Lancashire to the Earle to informe him of these proceedings, and to advise, and consulte with his Honor, for a speedy remedye. The Earle, like himself, impatient of wronge, and disdeyninge to be disparaged of any parte of authoritye, did thereupon resolve to retourne to Chester, determining firste to assaye by courtysie to drawe the Maior and Citizens to conformitye, and by his presence to tourne their obstinacie into obedience; wherein yf hee failed then to take a sharper course. And being accompanied with the Lord Straunge, the Lord Mountegle, and Sir John Savage, and attended with Sir Richard Sherborne and some few others, men of special choyce and place in his secret counsailes, hee came againe to the Citye, and sitting in person in the Exchequer, he sent for the Maior and Sherifes to come unto him, who thereupon appeared in Courte, unto whom the Earle then spake as followeth:—

THE ORATION OF THE EARL.

Forasmuch as yt hath pleased the Queene's most excellent Majestie to appointe mee Officer in this charge and form which hath governmente not only of the Countye Palatine of Chester, but also of the countie of the cite of Chester, being parcell, and within the same countye palatine, as a Chancelor or Head officer in Equitye, to mainteyne the Just, and to reforme the wronge; Wherein nevertheles, bee Divers, and Sundrie officers and ministers, to execute the Lawes commytted to their charge, and authoritye, as you Mr. Maior, the Sherifes, Coroners, Constables, and others verie necessarie in everie your offices and degrees; The well doing whereof tendeth to your comoditye and mainteineth the estate of this cite, by the queene's majesty's noble progenitors, Earles of Chester founded and made; And contrariwyse, the abuse and evil doinge of any of your officers procureth your owne Discomoditye and Hindrance, and provoketh the overthroue, and Distruction of your Estate and authoritye, which I rather wishe, to bee mainteyned, than otherwise decayed; And hearing of some Disobediencie, or Disorder practized by you the officers of this cite now in my tyme of being officer, otherwise then before hath bene used, or donne, and otherwyse then Dutye requireth to doe, Whether it bee, for that you mislike of mee, and my Governmente, or els that you pretend to attribute unto your selves, an authoritye above mee, and my office, to dooe what you list without controlment, wch is not sufferable — Therefore I have thought good to call you presently for reformacone of the premysses. And as I am bound by the lawes of this Lande to minister to every one Justice, whereof you shall not wante in this Office, soe shall you, in friendlie, and well usage of yourselves, bee assured to have the furthest favour I can convenientlye bestowe upon you and this cite, as oportunitye shall serve. But, yf you will contrarywise run on headlonge in your presumptuous abuses, you shalbee well assured of reformacon to your grieffe, for the brute, or slander, of the officers and subjects⁽¹⁾ in these

(1) Subordinates.

partes, and their evill doeings, is great, — the neglectinge of amende-
 mente greater, and the evill mainteynance of the same, everywhere is
 moste of all. Whoe cannot but lament to heare and knowe these
 disorders in a Christian realme, governed by soe gracious a Princesse
 as this daie reigneth over us, not reformed? Whoe in rule wolde
 not spend tyme and authoritye of these to bee amended? And what
 officer maye in conscience toward God, and dutye unto our Sove-
 reigne, answer and discharge himself for the contrarye? Not I, for
 my parte, whatsoever you Mr. Mayor, and your brethren doo yma-
 gine. Wherefore wishing all well, I advise you, and the rest of your
 Citye, to understand well yourselves, and the authoritye you have,
 from hence, commytted to you by your Charters, which is your onlye
 countenance. The liberties whereof beinge dulye used, are meete to
 be preserved, and therein I wilbee your helpe. Presume not to
 infringe the same by usurpation. See Justice with you well excuted.
 Obey your heads and chiefe officers, and contemne not the Queens
 Majestys Wryte under this seale directed, neither yet the orders of
 this Courte. Therebye you shall bee assured to finde, quyetnes,
 increase of wealth, ffriendshippe and Amytie — and not to faile, to
 avoyde such hinderance, trouble, griefe, and displeasure, as otherwyse
 wolde ensue. Whereof I woulde bee verye sorie, for the goodwill I
 have long tyme borne this Citye, and also for neighbourhood sake
 betwene us, and mainelye for that I am an Englisheman, desiringe
 the wealth⁽¹⁾ of my country, which unto this Citye by these Degrees
 is to bee obtained.

To this, the Maior, with acknowledgements of duetie and
 affection to his Lordshippe, in the name of the whole Citie made
 answer. That as hee was bound by an Othe to maintene the liber-
 ties of the Citye, soe coulde he not without infringement thereof, yeld
 obedience to the courte of Exchequer and therefore humblie desired
 his Consideracon.

(1) Well-being.

My Lord replied that he was sorie to see their foolishe wilfulness; albeit that he had power, and authoritie to compell them to yeeld obedience as became them. Yet hee would not in this case, censure their contempt, but woulde take a prudent course, that the controversie shoold be decyded in another place, to their greter charge and further trouble. Thereupon the Earle departing home, did consult with his Vice-Chamberlayn, what was to be done in this busynes. In which conference yt was resolved that an Informacone shoold be exhibited unto the courte of Exchequer at Westminster in the Queen's Majesty's behalf, againste the Maior and Citizenes, and that Mr. Glaseor shoold Prosecute y^e cause, whoe ymmediatlie caused a dilligent search and examination to bee made of all the records in the Excheq^r at Chester, and collected from thence, apparent matter of prooffe, by many Precedents that the Citie of Chester, was parcell of the Countie Palatine, and that the Citizens ought to bee subject to that courte, and to the Chamberlain as to their Chauncellor, and head officer; and caused these records of pregnant prooffe, and validite to bee transcribed, sending theme by his secretarie, with a Letter from himself unto the Lorde Marques of Winchester, then High Treasurer of England, and whome hee advertized of these matters, and desired his Lp's favor, as well for the preservation of her Majesties right in the Countye Palatyne, as for the honor of the Earle of Darbye, unto whose Government the same was commytted. Unto which the Lorde Marques returned answer as followeth:

To my Lobing friend William Glaseor Esqr.
Vicechamberlain of Chester. I commende mee hartily unto you. Findinge by your Letters, that you bee greatlie troubled, with the Mayor and his brethren of the Citie of Chester, for their Disobedience of the proces, directed from the Queens County Palatine of Chester, whereof they and their Citie have ever bene parcell and must bee, for y^t is parcell of the Principalitye; and of these matters I have heard your Secretarie and considered your articles touchinge your Records, which I have willed your Secretarie to bring with you to London; and the Mayor and his companye

shall appeare which shalbee Crastino Januarii. And against that tyme, gather all your recordes together that may serve that purpose, that they may be readye. And I have writen to Mr. Maior and his brethren; and soe I have to Mr. Recorder, of the which letters your Secretarie hath the Doubles; Therefore I write no further to you of yt, praicinge you to execute the same with all dilligence. And what faulte soever ryse on their partes, yt will have punishment well ynough. And the Callender for your proofes I have sent to make by your Secretarie, whoe shall have it with him, yf hee tarye for yt; and yf not, it shalbee sent to you by a precise messenger, bycause yt may bee surelye delivered. The proces goeth againste these men—John Cowper Maior, John Webster alderman; Richard Dutton, and Thomas Pillyn Sherifes; William Hamnet and Henry Leeche. Which bee ynough for this matter. And of this order give you some knowledge to my Lord of Darbye, for that hee is head of your office and let him understand what I have wryten, as thereof his Lordship may consider, and give his advise, and ayde with his Councill in the mainteinaunce of the Queene's right that hath ever bene contynued till this tyme. Which I would not have decaye, for the Queen's right in the behalf of the Principalitye, and of my Lord's honor, that may not well bee endured to bee decayed in his time, that alwayes before hath bene mainteyned by meaner men. And let no parte of my Lorde's office bee dimynished as neare as you maye. And heere I leave you for this tyme, and bid you farewell.

Wryten this VIIIth of September 1561.

Your loving friend

WINCHESTER.

The Mayor, Shereiffes, and the rest being served with proces repared to London, and Mr. Glaseor likewise in the behalf of the Earle caryeing with him letters from the Earle to the Lord Treasurer and to divers other persons of honourable place, requiring their furtherance in the cause. Where, after long and tedious traviell, large and liberall expenses, the matter received solemne hearinge in the Court at Westminster, and was ordered as hereafter foloweth:

*Termino sancti Hillarii anno quinto Regine Elizabeth in
Scacario dictæ Regine apud Westminster.*

Whereas heretofore debate, strife, and controversie hath bene had, moved and depending in this honorable House of Exchequer between our Sovereigne Lady the Queen's highnes that now is, and the Mayor Sheriffs and Citizens of the City of Chester for or concerning the privilege prerogative and Jurisdiction of her Highnes's County Palatyne of Chester, and for and concerning the power authority and Jurisdiction of the Courte of the Exchequer there, and for and concerning the authority and jurisdiction of the Chamberlaine of the County Palatyne; and for and concerning the liberties ffranchises and jurisdiction of the said Mayor and Sheriffs within the said City by reason of divers contempts wherewith the late Mayor and Sheriffs have been charged; ffor the endinge, appeasinge and finall determination whereof the said Mayor Sheriffs and Citizens according to a former Order in that behalf taken, have sent up Willm̄ Gerrard Esq^{re} Recorder of the said City sufficiently authorized in that behalf, with all their Charters, to them heretofore granted by the Earles of the said County Palatyne, and other the Queen's highnes moste noble progenetors. Whereupon the matter hath bene divers tymes heard, and thoroughlie debated before the right honorable, William Marques of Winchester the high treasurer of England, Sir Walter Mildmaye Knight, Chancelor of this Courte of Exchequor, Sir Richard Sackvill Knight under Treasurer of this Courte and Sir Edward Sanders Knight Chief Baron of the same Courte, by the advise and assent of Thomas Carus Esq^r Sergeant at Lawe to our Sovereigne Lady the Queen's highnes and William Gerrard and William Roswell Esq^{res} Her Grace's Attorney and Solicitor generall, and others of this said Courte of Exchequor. And divers and sondrie auncient Records shewed and exhibited in the behalf of our said sovereign Lady the Queen's highness by William Glaseor Esq^{re} deputye Chamberlayne to the right honorable Edward Earle of Darby — nowe Chamberlaine of the saide County Palatyne — as well for the prooffe of the auntient and legall jurisdiction, power and preemynence of the said

County Palatyne as also for prooffe and declaration of the Jurisdiction of the said Courte of Exchequor at Chester and of the Chamberlaine of the said Countie Palatyne. And in like manner diverse and sondrie Charters have bene shewed forthe and exhibited by the said Willm̄ Gerrard for the prooffe and maintenance of the liberties jurisdiction and ffranchises of the said Mayor and Sheriffs within the Liberties of the said Citye of Chester.

And forasmuch as upon the sight, perusing and deliberate consideration of the said Records exhibited and showed forth by the said Willm̄ Glaseor yt hath evidently appeared That the saide Countye Palatyne of Chester is, and tyme out of mynde hath bene an auntient Countye Palatine, and hath had and used throughout the same Countye Palatyne legall Jurisdiction. Within which Countie Palatine the said Citye is and remayneth as parcell and member thereof. And that the said Courte and Excheq^r of the said Countye Palatyne is and tyme out of mynde hath bene the ordinary Chauncerye Courte of the said Countye Palatine. And that the Chamberlaine for the time being, and in his absence his Deputie is the Chauncellor and chief officer of the same Courte of Exchequer of the said Countye Palatyne for all causes pertaining to the Jurisdiction of a Chauncellor. And that the Officers of the said Citye have used and ought to make retourne of all Proces to them directed under the seale of the said Earldome; and forasmuch also as yt hath evidently appeared, that the Mayor and Citizens of the said City of Chester have by divers and sundry Charters divers Liberties and Franchises to them conveyed and graunted by diverse and sundrie the Queen's Highnes moste noble progenitors, and others Earles of Chester, as well under y^e great seal of England as under the speciall seale of the said Earldome.

Nowe the said Lord treasurer and others aforesaid, considering that the said Earldome and Countie Palatyne is annexed and united to the Principalitye, and shall and ought to appertaine to y^e Prince and oldest yssue of the Queen's Maty her heirs or Successors, whensoever yt shall please God of his grace and goodness to give that comforte and benyfit to our said sovereigne Lady and this her Realm;

And mynding as well the mainteynance and Regall Jurisdiction of the said County Palatyne and of the authoritye and Jurisdiction of the said Courte of Excheq^r at Chester, and of the said Chamberlaine, and of the other officers of the said Countye Palatyne as also the preservation and continuance of the libertie franchises and Jurisdiction of the said Maior and Citizennes for quyetnes and good order hereafter to bee had — Do Order, Declare, Determyne and Decree in manner and forme following,

That is to saie :

First yt is ordered, decreed, and declared that the said Citye is within, and a member of the said Countie Palatine, and that the same is and ought to bee within and a member thereof, and soe shall bee from henceforth esteemed, used and taken.

And that the officers of the same Citye, shall from tyme to tyme make a good and sufficient retourne of all such writs of *Corpus cum Causa* and other writs as shall bee to them directed under the seale of the said Earldome according to the same writs; And also it is further Ordered decreed and declared That the said Courte of Exchequer of Chester is and tyme out of mynde of man hath bene the Chauncerye Courte of the said Countye Palatyne as well for the graunting of all Originall Proces, as for the proceeding in and determining of Traverses and other matters of Equytye appertaininge to the jurisdiction of a Chancellor, and that the Chamberlaine is and always hath bene the Chancellor and chiefe officer of the said Courte of Excheq^r of Chester &c.

The aforesaide Cause being thus ended, by the means and the countenance of the noble Lord Edward Earle of Darbie, the Courte of Exchequer began to flourishe, being restored to the fairest flower in her garland, and her plumé furnished againe with the fethers shee had lost. And not long afterwards the like Order to the former, was obteyned againste the Councell in the Marches of Wales, forbidding them to intermeddle in any causes of the County Palatyne, which I omytte as a thing over tedious to recyte. But

nowe the Courte of Chester became verie absolute, both in State and Authoritye, and soe hath contynued till this present tyme, and I hope will be still mayntayned to the unspeakable ease and benefite of the poore subjects of the Countrey. But I fear that the malice of the tyme is such as the Jurisdiction and Liberties of the Countye Palatynne will not wante adversaries whoe wyll attempte to set the wheele on runninge againe, and, as much as in them lieth, to deface, yf not altogether to overthrowe the same. To prevent that myschief, I will presume to yeeld my opinion on the fittest maner and moste conveyent course to bee taken, which consisteth in three things.

Fyrste that there bee a good Vice Chamberlaine appointed to governe the Courte well and to please and content the Countrey, who must bee no comon Lawyer, such being men more fitt to bee imploied in Courtes of Learninge then in cases of Conscience, for yf those shall bee corrupted with affection (as all men of flesh and bloud may bee) they have a farre greater scope to do anysse than other men, inclyninge sometimes on the one side with the Lawe, which like a Viper they suffer to eate through the bowells of Conscience to serve their turne, and another tyme leaninge to conscience not for Concyence sake soe as fauour and parcialitye hath a free passage without respect either of Lawe or Conscience, which made Mr. Plowden (the father of the Lawe in his Tyme) to answer a Clyent whoe reteined him of Counsaill in a matter in the Chauncerye and earnestlie pressing him to deliver hys opinion, what would be the end of his cause and the effecte of his Order. "Surelye," saide Mr. Plowden, "I never reade Booke-Case of my Lord Chauncellor's Conscience."

Thys consideraconn moved the Kinges of this Realme for the moste parte to appointe the Reverend Bishoppes of this lande to be Lorde Chancellors. And a late Experience wee had in Her Majesty's dayes of Sir Christopher Hatton, whoe from the Office of Vice Chamberlaine of Her Majesty's household was appointed to that Office in the high Courte of Chancerie, whoe at his firste entrance heard and reheard sondrye causes adjudged in that Courte by his predecessor a great Lawyer whose orders he reversed, and censured

that for mere Iniquitye which the great Lawyer had sentenced for good Equitye. It will be good therefore in this Office, to appointe an honest reasonable gentleman to be Vice Chamberlayne, such a one as feareth God, regardeth the honor of him under whom hee serveth, and respecteth his own credytte; and to associate unto him, the two Judges of Assize for the Shire, unto whose opinion the Vice Chamberlaine may resorte if there bee cause, and require their assistance for hearing of some speciall Cases, and by this meanes the Courte shall bee best served, Justice administred and the Countrey well satisfied.

The second waye to preserve the Liberties and Imunityes of the Courte is this — That whereas the Countie yeeldeth at the change of everye prince Three thousand marks called a Mize in regarde of enjoyng their Auntiente Liberties — Which somme, althoughe yt bee not yet demaunded nor noe Commyssion directed for levye thereof, yet certeyne yt is that it will bee and *that* speedilye, called for. Yt shall bee requisite therefore when the comission cometh downe, that the chiefe Chamberlaine doe cause all the gentlemen of the Countrey to meete together and to subscribe to one Petition, to be preferred to the Kinges moste excellente majestie beseeching the same, that the Charter of the Countie Palatyne may be confirmed by his highnes in consideration of the some of money which they are to yeelde accordinge to an auntiente Custome. And to staie the Collection of the saide Mize, till their auntient Liberties bee ratified and confirmed. Hereby His Maj^{ty} shall not only have a true understanding of the state of the Countreye but noe doubt be moved with a princelie mynde like to his noble progenitors Kinges of this land to mainteine, and preserve such an Antient and Regall Jurisdiction apperteyninge rightfullye to the prince.

The thirde and last is a Vigilance, that noe causes bee sued forth of the Countie Palatyne in any Courte at Westminster, but the same to bee presentlie called backe, and the parties plaintifes to bee severelie punished. In which course the chief Chamberlaine must from tyme to tyme afforde his honorable Countenance. And yf any Judge in any of the Kinges Courtes shall unduelye holde plea of the

cause of the Countye Palatyn, Complainge muste presentlye be made to the King's maty or to the Lords of his Highnes privie Councill, that the course maie bee stopte in the beginninge, for yt is ill suffering an ill example. And where the dore is well kept, the thiefe is more afearde to enter. But God of his goodnes hath provided a porter for his gate, and a protector for his Authoritye, Who in place and dignity dooth equall any that hath gon before him, and for prudence, justice, and ffortitude dooth farre excell them. Whoe, as hee is potent in respect of the Royall bloud which doth adde a Lustre to his brightnes from the shinging of the sun, soe maye hee enjoye the inferior lightes of all this worldlie heaven, being of near kindred, and Affinitye to those, whoe sitte at the Sterne of the State and swaye the great affaires of the Kingdome. An exceeding blessing to this poore country, which I praie God make happie, longe to enjoye by longe enjoyinge of him, and that he maie live as many prosperous and quyet years as hee hath had troublesome dayes to the honorable advancement of his noble house, and the unspeakable comforte of all that love him.

The Names of the Offices in the Exchequer of the Countie Palatyne of Chester and their fees. A^o primo Regni Jacobi.

Chamberlain by patent for lyfe	xx ^{li}	
Sir John Edgerton knight Baron or Clerke for Lyfe...	ix ^{li}	
Sir Hughe Beeston knight Controll ^r during pleasure..	xii ^{li} iii ^s iv ^d	
Mr. Hughes Attorney Generall to the Prince	iii ^{li} vi ^s viii ^d	
4.8 yearly {	W ^m Ravenscrofte Gent. by a newe patent under the kings Majest. seale Sarjant	iii ^{li} vi ^s viii ^d
	John Goodman Gent ⁿ ... { places void and noe }	iii ^{li} vi ^s viii ^d
	Thomas Booth..... { pantente granted }	iii ^{li} vi ^s viii ^d
	Edward Smyth	iii ^{li} vi ^s viii ^d
Mr. fferdinando Heighburne Examin:		
Richard Ridgdalle Bailyf Itinerant by a new patent...	iii ^{li}	
Lawrence Waynwright messenger by a new patent...	iii ^{li}	
The same Lawrence Cryer by a new patent.....	iii ^{li} xv ^s	
John Nicholson Mason by a new patent	viii ^{li}	
Randulph Bellis Carpenter the like as the Mason.....	viii ^{li}	
Arthure Jeinson Surveyor by a new patent.....	viii ^{li}	
Attorneyes {	Thomas Case.	
	Richard Werden.	
	Thomas Harper.	
	Robert Whitby.	
	Peter Middleton.	
	Thomas Whicksted.	
	Edward Broster.	
Richard Newall.		
John Johns.		

The Names of all those who have been Chamberlaines, and Justices of the Countie Palatine of Chester since the xviith yeare of the raigne of King Edward the Second.

Anno Domini	Anno Regni Regis	CHAMBERLAINS	JUSTYCES
1323. .	17 Edw. 2.....	Wilhelmus De Stonhall	Hugo de Audley.
1325... 19	„	Hugo De Brickhull.....	Richardus De Tramarye.
1327... pmo	Edw. 3..	Stephanus De Chestnutt.....	Willmus De Clynton.
1331... 6	„	Simond De Ruggeley Capel- larius Comit.....	Dominus Rinaldus de Graye, Dominus De Ruthin.
1335... 10	„	Joannes Parnell	Henricus De fferrer.
1336... 11	„	Joannes De Essebye.....	Radulphus Stafford.
1342... 17	„ ..	Thomas De Blaston	Rogerus Hillarye.
1345... 20	„	Willihelmus De Esington.....	Rogerus Burghersie.
1346... 21	„	Joannes De Wendover.....	Idem.
1347... 22	„	Joannes Pire	Idem.
1348... 23	„	Willmus De Lyndford.....	Idem.
1349... 24	„	Walter De ffulburne.....	Idem.
1350... 25	„	Willmus de Sparstowe.....	Idem.
1351... 26	„	Joannes De Branham senr....	Thomas De fferrar.
1354... 29	„	Joannes Branham Jr.	Thomas De ffelton.
1377... pmo	Rich. 2..	Joannes Woodhouse.....	Thomas Dux Ebor.
1390... 14	„	Idem Camer:.....	Thomas Dux Clouster.
1393... 17	„	Robertus Paris.....	Robert De Vere—Dux Hibern.
1400... pmo	Hen. 4....	Thomas Barnaby and Joannes Episcopus Assaven....	Joannes Stanley Miles.

The Rights and Jurisdiction

Anno Domini	Anno Regni Regis	CHAMBERLAINS	JUSTYCES
1413...	ꝑmo Hen. 5....	William Troutbecke Armiger	Thomas Earle Marshall and Nottingham.
1441...	20 Hen. 6...	Joannes Troutbecke Armiger.	Comes Salopie.
1459...	38 „	Richardus Tunstall Miles.....	
1470...	12 Edw. 4....	Willmus Stanley Miles.....	
1486...	ꝑmo Hen. 7....	Willmus Stanley Miles.... .	Thomas Comes Darbie et Georgius Dominus Strange.
1497...	13 „	Richardus Poole Miles.....	
1507...	23 „	Randolphus Brerton Miles....	
1511...	3 Henr. 8....	Idem Camer:	Thomas Englefield Miles.
1546...	38 „	Ric. Mauxell Miles.....	
1553. .	1 Phillipe and Marie	} Ric. Mauxell Miles.....	
1554...	2 „		
1559...	ꝑmo Eliza.....	Edwardus Comes Darbie.....	James Throgmorton Miles.
1564...	7 „	Robertus Comes Leicester.....	Georgius Bromley Miles.
1589...	31 „	Henricus Comes Darbie	Richardus Shutleworth Miles.
1593...	35 „	Thomas Egerton Miles.....	Richardus Leuknor Miles.
1603...	ꝑmo Jacobi....	Willimus Comes Darbie	Idem.

**Elizabeth by the grace of God &c. To our right
trustie and well-beloved Counsellor Sir Nicholas
Bacon Knight Keeper of oure greate scale of Eng=
land greetinge.** Whereas wee have been informed that

the Jurisdiction and Aucthority of our County Palatyne of Chester hath bin of late years impeached by certeyn forraine officers upon pretence of certain Jurisdiction claimed by them within the said County, contrary to the ancient right of our said County Palatyne, We, minding to have our said County preserved in the ancient right thereof, did comand our chief Justice of our comon Pleas Sir James Dier Knight with other three of our Justices that is to say, Ric^d Weston, Rich^d Harpur, and Thomas Carus Esquires to call before them our officers of our said Countye Palatyne and such others also as pretended to impech the said Jurisdiction, and thereupon to certify us what they should find meet and due to be done for good order in the premises.

Whereupon they have shewed and declared unto us in wrytynge signed with their hands their opinion concerninge the said Jurisdiction and Liberties, and also concerninge a Controversie between our President and Councill in Wales and our Chamberleyn of our said Countie Palatyne grounded upon a Case of one Thomas Radford, and to the intent some good order may insue and continue hereafter for quietnes and for Justice within our said County Pallantyne We doe herwith send you the said wrytynge of the said Justices conteyned in one sheete of paper presented unto us the tenth of february last and subscribed with their hands, willinge and requiringe you to Cause the same to be entred and inrolled in our Chancery, to remaine in record, and to be used and exemplied hereafter for the benefyte of our said County Palatyne and the residents therein as the case shall require; and these our letters shall be your sufficient Warrant and discharge in this behalfe. Given under our signet att our Pallace of Westm^r the xvith day of March 1568 the eleventh year of our Raign

ꝑ ipsam Reginam.

The Opinion of us Sir James Dier Knight Cheife Justice of the Coñon Plees at Westm^r, Richard Weston and Richard Harpur Esquires two other Justices of the same Coñon Plees, and of Thomas Carus Esquire one of the Justices of the Pleas to be houlden before the Queen's Ma^{tie} declared and presented unto her Highness the tenth day of february A^o Doⁿⁱ 1568 by vertu of her ma^{ties} letters to us directed the second day of the same month concerninge the Jurisdiction and liberties of the County Palatyne of Chester and the authoritie of the Chamberlayne and his office there and concerninge the controversie between the Lord President and Councill in Wales and the said Chamberleyne's office growne uppon Thomas Radford's Case exhibited unto us, as ensueth, and first, that we have seene and considered the county of Chester wherein the city of Chester is now and by a good tyme⁽¹⁾ hath bin a Countye of itselpe of very auncient tyme afore the Raigne of Kinge Henry the third hath bin and yet is a Countye Palatyne with other members thereunto belonging, And so from tyme to tyme hath bin received and allowed in the lawe. And therefore the Lawe's rightfull Usages and Customes of the said Countie Palatyne are to be preserved and maintained. It further evidently appeareth that by the like tyme of antiquity and continuance there hath bin and yet is in the said County Palatyne one principall or head Officer Called the Chamberleyne of Chester who hath and ever had all Jurisdiction belonginge to the office of a Chauncellor within the said County Palatyne. And that there is alsoe in the said County Palatyne a Justice for matters of the comon plees and plees of the Crowne to be heard and determined within the said Countie Palatyne coñonly called the Justice of Chester. We alsoe see that all plees of landes or tenements and all other contracts causes and matters risinge and growing within the said Countye Palantyne are pledable and ought to be pleaded heard and judicially determined within the said Countye Palantyne and not elsewhere out of the said Countye Palantyne; and if anie be heard pleaded or judged out of the said County Palantyne, the same is voyd and coram non Judice, except it be in case of error, forren plea,

(1) For a long time.

or forren voucher. We alsoe see that noe inhabitante of the same County Palatyne by the liberties lawes and usages of the said County Palatyne ought to be called or compelled by anie writt or proces to appear or answer anie matter or cause out of the same County Palatyne for anie the causes aforesaid, but only in Causes of Treason and Error. And that the Queen's Writt dothe not runn nor ought to be allowed or used within the said Countie Palatyne, but under the seale of the said County Palatyne, except writts of Proclamation by the statute of Ed. 6th Anno Regni sui primo.

It doth further appear unto us by good matter of recorde to us shewed that the Courte of Excheq^r at Chester is and by the tyme of antiquitie and continuance aforesaid hath binn used as the Chancery Courte for the same Countie Palatyne And that the Chamberleyn of Chester is the Chief officer and Judge of that Courte, and that he is and tyme out of mind hathe bene a Conservatoure of the Peace by vertu of the same office and hathe like power authoritye and preheminance, Jurisdiction, execution of lawe and all other Customes Comodities and advantages perteyninge to the Jurisdiction of a Chancellor within the said County Palatyne of Chester as the Chancellor of the Duchie of Lancaster hath used had and ought to have used and executed within the County Pallatyne of Lancaster, which more evidently appeareth by the understanding of the first Grante made by King Edward the third unto John his son then Duke of Lancaster, whereby he made the same County Palatyne of Lancaster referring the said Duke to have his Chancellor's liberties and Regall Jurisdiction to a County Palatyne belonginge, *adeo integrè et liberè sicut Comes Cestriæ infra eundem Comitatum Cestriæ dignoscitur obtinere.* Alsoe it appeareth unto us that the Vice Chamberleyne did lawfully and orderly commit to Prison Thomas Radford named in the case referred unto us, for that he refused to put in suertes for the peace within the said Excheq^r uppon affidavit made in that behalfe. And that the proceedings of the Councell of the Marches touchinge the enlargement of the said Radford from the said ymprisonment and alsoe their further order and dealinge against the said Vice Chamberleyne was and is without sufficient

authority and contrary to the Jurisdiction of the Office of the said Chamberleyne and the auncient Lawes and Libties of the same County Palatyne. And we doe alsoe affirme that the statute of 34th and 35th H. 8th called the Ordinance of Wales, whereby the authority of the Lord President and Councill within the Dominion and Principalyty of Wales and the Marches of the same is established and hath the force of a law for or concerninge the determination of causes and matters of the same comprehendeth not the County of Chester and the City of Chester, because the same *Countie of Chester and the Citie of Chester be noe parte nor parcell* of the Domynion or Principalyty of Wales or of the Marches of the same.

And for the enjoying of which liberties within the said Countie Palatine wee perceive that

The inhabitants of the said Countie of Chester have paid and must pay rightfully at the Chaunge of every Owner of the said Erl dome three thousand marke called a Mize.⁽¹⁾

mark
 ̄̄̄
 £2000

And the inhabitants of the Countie of flint, being Parcell of the said County Palantine must likewise pay too thousand marks which is alsoe called a mize.

marke
 ̄̄̄
 £1333 . 6 . 8

(1) Mize or mise — a fine or levy.

The following supplementary List of Judges has been kindly furnished to me by WM. H. BLACK, Esq., Assistant Keeper of Records. It is extracted from the manuscript Book of Practice on the late Chester Circuit, compiled by Serjeant Marshall, and by him left to Charles Warren, Esq., his successor. This book was deposited in 1847 by the representatives of Justice Warren in the Public Record Office, Rolls House, London, among other Records relating to Wales and Chester. It serves to continue the list from the first of James I. to the year 1830, when the Palatinate Judicature was finally abolished. In some respects it differs from the list given by Leycester, which comes down to A.D. 1669. It may be proper here to remark that Leycester's catalogue, both of Chamberlains and Judges, differs very considerably from that in the manuscript now edited.—J. B. Y.

CHRONOLOGICAL LIST OF JUDGES

OF THE

COURT OF SESSION OF THE COUNTY PALATINE OF CHESTER,
AND GREAT SESSIONS OF THE COUNTIES OF MONT-
GOMERY, DENBIGH, AND FLINT ;

FROM THE ACCESSION OF KING JAMES I. TO THE ABOLITION OF THAT
JUDICATURE IN 1830.

Sir Richard Lowknor.....	C. J.....	1 J. 1.
H. Townsend	P. J.....	1 J. 1.
Thomas Chamberlayne	C. J.....	14 J. 1.
James Witlock	C. J.....	19 J. 1.
Sir John Bridgman	C. J.....	1 C. 1.

Marm. Lloyed.....	P. J.....	1 C. 1.
Richard Prytherg Esq.	P. J.....	12 C. 1.
Sir Thomas Milward	14 C. 1.
John Bradshaw Esq. (1648)	C. J.....	24 C. 1.
Peter Warburton Esq.....	P. J
Thomas Fell Esq.	P. J	1649.
Timothy Turner Esq.....	C. J.....	12 C. 2.
Sir Jeffrey Palmer.....	C. J.....	12 C. 2.
Robert Milward Esq.....	P. J.....	13 C. 2.
Job Charlton Esq.	C. J.....	14 C. 2.
George Johnson Esq.	P. J.....	26 C. 2.
Sir George Jeffreys.....	C. J.....	32 C. 2.
John Warren Esq.	P. J.....	33 C. 2.
Sir Edward Herbert	C. J.....	36 C. 2.
[Edward] ¹ Lutwych Esq. (March to Oct.)...	C. J.....	2 J. 2.
Job Charlton Esq. ..	C. J.....	2 J. 2.
John Trenchard Esq.	C. J.....	1 W. & M.
Lyttleton Powis Esq.....	P. J.....	1 W. & M.
John Coombe Esq....	C. J.....	2 W. & M.
Salathiel Lovel Esq.	P. J.....	8 W. & M.
Joseph Jekyll Esq.....	C. J.....	9 W. 3.
John Poeklington Esq. ..	P. J.....	6 Ann.
John Warde Esq.....	P. J.....	10 Ann.
Edward Jeffreys Esq.	P. J.....	1 G. 1.
Spencer Cooper Esq.	C. J.....	4 G. 1.
John Willis.....	P. J.....	13 G. 1.
Sarne	C. J.....	2 G. 2.
William Jessop Esq.	P. J.....	2 G. 2.
John Verney Esq.	C. J.....	8 G. 2.

¹ Supplied from the patent of his successor, Job Charlton Esq. This is the first of the series that appears to have been recorded in the Patent books of the Receipt of the Exchequer. It is dated 29th April, 2^d Jac. II., and grants the office of "our Justice of the Counties of Chester and Flint, as Geoffry Palmer Knt., George Jefferyes Knt., Edward Herbert Knt., or Edward Lutwich Knt., formerly or lately Justices had holden the same." — *Auditor's Patent Book*, No. 10, fol. 142.

Richard Pottinger Esq.	P. J.....	8 G. 2.
Matthew Skynner Esq.	C. J.....	12 G. 2.
John Talbot Esq..	P. J.....	14 G. 2.
William Noel Esq...	C. J. ...	23 G. 2.
Taylor White Esq.....	P. J.....	30 G. 2.
John Morton Esq.	C. J.....	3 G. 3.
John Skynner Esq..	P. J.....	12 G. 3.
Francis Buller Esq. (Nov. till May).....	P. J.....	18 G. 3.
Hon. Daines Barrington.....	P. J.....	28 G. 3.
Lloyd Kenyon Esq.	C. J.....	20 G. 3.
Richard Pepper Arden Esq.....	C. J.....	24 G. 3.
Edward Bearcroft Esq.	C. J.....	28 G. 3.
Francis Burton Esq.	P. J.....	28 G. 3.
James Adair, King's Serjeant	C. J.....	37 G. 3.
William Grant Esq.	C. J.....	38 G. 3.
James Mansfield Esq.....	C. J.....	39 G. 3.
Vicary Gibbs Esq. (summer circuit only)..	C. J.....	44 G. 3.
Robert Dallas Esq.....	C. J.....	45 G. 3.
Richard Richards Esq. (summer circuit only)	C. J.....	53 G. 3.
Sir William Garrow	C. J.....	54 G. 3.
William Draper Best, King's Serjeant	P. J.....	57 G. 3.
John Leach Esq. (summer circuit only).....	C. J.....	57 G. 3.
William Draper Best, King's Serjeant . . .	C. J.....	58 G. 3.
Samuel Marshall, Serjeant-at-Law	P. J.....	58 G. 3.
John Singleton Copley, Serjeant-at-Law....	C. J.....	59 G. 3.
Charles Warren Esq.	C. J.....	59 G. 3.
Thomas Jervis Esq.	P. J.....	59 G. 3.

